

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THE NEW YORKER HOTEL MANAGEMENT  
COMPANY, INC.,

Plaintiff,

-against-

MICKEY BARRETO; "JOHN DOE"; "JANE  
DOE",

Defendants.

22-CV-2960 (LTS)

ORDER DENYING IFP APPLICATION  
ON APPEAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

On April 8, 2022, Defendant Mickey Barreto filed a notice of removal in this court seeking to remove this case from the Civil Court of the City of New York, County of New York. By order dated April 29, 2022, the Court determined that removal was improper and remanded the action to the state court. (ECF 7.)

On May 31, 2022, Barreto filed a notice of appeal, and on July 13, 2022, he filed an application to proceed *in forma pauperis* (IFP) on appeal. (ECF 9.)

The Court certifies under 28 U.S.C. § 1915(a)(3) that appeal from the Court's April 29, 2022, order is not taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

Nothing in this order prevents Plaintiff from seeking permission from the United States Court of Appeals for the Second Circuit to proceed IFP on appeal.

SO ORDERED.

Dated: August 25, 2022  
New York, New York

/s/ Laura Taylor Swain  
LAURA TAYLOR SWAIN  
Chief United States District Judge